IN THE UNITED STATES BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:)	
)	Case No. 17-21310
Mathew E. Zupancic,) ⁻	Chapter 13
Debtor)	
)	Docket No.
Mathew E. Zupancic,)	
Movant)	
)	
Vs.)	
)	
Tri-Boro Federal Credit Union and Ronda)	
Winnecour, Trustee,)	
Respondents)	

NOTICE OF PROPOSED MODIFICATION TO CONFIRMED PLAN DATED JULY 5, 2017

- 1. Pursuant to 11 U.S.C. Section 1329, the debtors have filed an Amended Chapter 13 Plan dated November 13, 2018. Pursuant to the Amended Chapter 13 Plan, the debtors seek to modify the confirmed plan in the following particulars:
 - a) The debtor's 2013 Honda has been repossessed and sold and therefore the Trustee will not make any additional payments in the future to the credit union for this vehicle on an ongoing monthly basis.
 - b) The plan has been amended to pay the unsecured creditors, including the deficiency claim of the Tri-Boro Federal Credit Union, in full, one hundred percent of their claims. This is now a one hundred percent repayment for the unsecured creditors in this case.
 - c) Steidl and Steinberg is also seeking an additional \$1,000.00 in Attorney Fees for responding to the Motion for Relief of co-debtor's stay, attendance at the hearing, preparation of this motion, preparation of the amended Chapter 13 plan, and attendance at the conciliation conference.

- 2. The Proposed Modification to Confirm Plan will impact the treatment of the claims to the following creditors and in the following particulars:
 - a) The unsecured creditors will now receive one hundred percent of their claims dully proven and allowed.
- 3. The debtors submit that the reason for the modification is as follows:
 - a) In order for the debtor's co-signer not to be contacted and bothered and sued by the Tri-Boro Credit Union, the debtor must provide that all creditors, including the Tri-Boro Credit Union receive one hundred percent of their unsecured claims dully proven and allowed.
- 4. The debtor submits that the requested modification is being proposed in good faith, and not for any means prohibited by applicable law. The debtor further submits that the proposed modification complies with 11 U.S.C. Section 1322(a), 1322(b), 1325(a), and 1329, and except as set forth above, there are no other modifications sought by way of the Amended Chapter 13 Plan.

WHEREFORE, the debtor respectfully requests that this Court enter an Order confirming the Amended Chapter 13 Plan, and for such other relief the Court deems equitable and just.

November 13, 2018

DATE

Respectfully submitted,

enneth Steidl, Esquire

Attorney for the Debtors

STEIDL & STEINBERG

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(412) 391-8000

PA I. D. No. 34965

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3.3	Secured claims excluded from	11 U.S.C. & 506	ì				
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	(2) Incurred within one (1) year of	the petition date	e and secured by a	ourchase money security	interest in	any other thi	ing of value.
	These claims will be paid in full un	der the plan witl	h interest at the rate	stated below. These payr	ments will b	be disbursed	i by the trustee.
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Case number 17-21310 Debtor(s) Matthew E. Zupancic 3.6 Secured tax claims. Name of taxing authority Total amount of claim Type of tax Interest Identifying number(s) if Tax periods rate* collateral is real estate 0% \$0.00 Insert additional claims as needed. * The secured tax claims of the Internal Revenue Service, Commonwealth of Pennsylvania, and any other tax claimants shall bear interest at the statutory rate in effect as of the date of confirmation. Part 417 Treatment of Fees and Priority Claims 4.1 General. Trustee's fees and all allowed priority claims, including Domestic Support Obligations other than those treated in Section 4.5, will be paid in full without postpetition interest. 4.2 Trustee's fees, Trustee's fees are governed by statute and may change during the course of the case. The trustee shall compute the trustee's percentage fees and publish the prevailing rates on the court's website for the prior five years. It is incumbent upon the debtor(s)' attorney or debtor (if pro se) and the trustee to monitor any change in the percentage fees to insure that the plan is adequately funded. 4.3 Attorney's fees. In addition to a retainer of \$1,110.00 (of which \$ 500.00 Attorney's fees are payable to Steidl & Steinberg payment to reimburse costs advanced and/or a no-look costs deposit) already paid by or on behalf of the debtor, the amount of \$3,390.00 per month. Including any retainer paid, a total of \$_ in fees and costs reimbursement has been to be paid at the rate of \$100.00 approved by the court to date, based on a combination of the no-look fee and costs deposit and previously approved application(s) for compensation above the no-look fee. An additional \$1,000.00 will be sought through a fee application to be filed and approved before any additional amount will be paid through the plan, and this plan contains sufficient funding to pay that additional amount, without diminishing the amounts required to be paid under this plan to holders of allowed unsecured claims. Check here if a no-look fee in the amount provided for in Local Bankruptcy Rule 9020-7(c) is being requested for services rendered to the debtor(s) through participation in the bankruptcy court's Loss Mitigation Program (do not include the no-look fee in the total amount of compensation requested, above). 4.4 Priority claims not treated elsewhere in Part 4. None. If "None" is checked, the rest of Section 4.4 need not be completed or reproduced. Name of creditor Total amount of Interest Statute providing priority status claim rate (0% if blank) \$0.00 0% Insert additional claims as needed.

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4.5 Priority Domestic Support Obligations not assigned or owed to a governmental unit. If the debtor(s) is/are currently paying Domestic Support Obligations through existing state court order(s) and leaves this section blank, the debtor(s) expressly agrees to continue paying and remain current on all Domestic Support Obligations through existing state court orders. Check here if this payment is for prepetition arrearages only. Name of creditor (specify the actual payee, e.g. FA Description Claim Monthly payment SCDU) or pro rata \$0.00 \$0.00 Insert additional claims as needed. 4.6 Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount. Check one. None. If "None" is checked, the rest of Section 4.6 need not be completed or reproduced. The allowed priority claims listed below are based on a Domestic Support. Obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim under 11 U.S.C. § 1322(a)(4). This provision requires that payments in Section 2.1 be for a term of 60 months. See 11 U.S.C. § 1322(a)(4). Name of creditor Amount of claim to be paid \$0.00 Insert additional claims as needed. 4.7 Priority unsecured tax claims paid in full. Name of taxing authority Total amount of claim Type of tax Interest Tax periods rate (0% if blank) \$0.00 0% Insert additional claims as needed.

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Debtor(s) Matthew E. Zupancic

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Page 8 of 11 Case number Document Debtor(s) Matthew E. Zupancic Part 5 **Treatment of Nonpriority Unsecured Claims** 5.1 Nonpriority unsecured claims not separately classified. Debtor(s) ESTIMATE(S) that a total of \$9,695.00 will be available for distribution to nonpriority unsecured creditors. Debtor(s) ACKNOWLEDGE(S) that a MINIMUM of \$9,695.00 shall be paid to nonpriority unsecured creditors to comply with the liquidation alternative test for confirmation set forth in 11 U.S.C. § 1325(a)(4). The total pool of funds estimated above is NOT the MAXIMUM amount payable to this class of creditors. Instead, the actual pool of funds available for payment to these creditors under the plan base will be determined only after audit of the plan at time of completion. The estimated _%. The percentage of payment may change, based upon the total amount percentage of payment to general unsecured creditors is 100 of allowed claims. Late-filed claims will not be paid unless all timely filed claims have been paid in full. Thereafter, all late-filed claims will be paid pro-rata unless an objection has been filed within thirty (30) days of filing the claim. Creditors not specifically identified elsewhere in this plan are included in this class. 5.2 Maintenance of payments and cure of any default on nonpriority unsecured claims. Check one. None. If "None" is checked, the rest of Section 5.2 need not be completed or reproduced. The debtor(s) will maintain the contractual installment payments and cure any default in payments on the unsecured claims listed below on which the last payment is due after the final plan payment. These payments will be disbursed by the trustee. The claim for the arrearage amount will be paid in full as specified below and disbursed by the trustee. **Current installment** Amount of arrearage **Payment Estimated total** Name of creditor to be paid on the claim beginning payment payments date (MM/ by trustee YYYY) \$0.00 \$0.00 \$0.00 Insert additional claims as needed. 5.3 Postpetition utility monthly payments. The provisions of Section 5.3 are available only if the utility provider has agreed to this treatment. These payments comprise a single monthly combined payment for postpetition utility services, any postpetition delinquencies, and unpaid security deposits. The claim payment will not change for the life of the plan. Should the utility obtain a court order authorizing a payment change, the debtor(s) will be required to file an amended plan. These payments may not resolve all of the postpetition claims of the utility. The utility may require additional funds from the debtor(s) after discharge.

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Desc Main

Name of creditor	Monthly payment	Postpetition account number
People's Natural Gas Company	\$96.35	

Insert additional claims as needed.

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Check No Name Insert a	e allowed nonpriority unsecu of creditor additional claims as needed. Executory Contracts as	e rest of Section 5.4 need not be of red claims listed below are separate classis for separate classement nd Unexpired Leases	ately classified and	will be treated as foli Amount of arreara to be paid \$0.00	ge interest Es rate pa	stimated total ayments y trustee \$0.00
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				be treated as specifi	ed. All other ex	ecutory contrac
_	one.					
No	ne. If "None" is checked, the	e rest of Section 6.1 need not be o	completed or repro	duced.		
	sumed items. Current inst istee.	tallment payments will be dish	ursed by the tru	stee. Arrearage pa	yments will be	disbursed by th
Name (cription of leased property or cutory contract	Current installment payment	Amount of arrearage to be paid	Estimated tot payments by trustee	Payment beginning date (MM/ YYYY)
Ally F	inancial 20°	15 Dodge Ram 1500	\$526.38	\$0.00	\$0.00	
Insert a	additional claims as needed.	-			_ <i>-</i>	
art 7	Vesting of Property of	the Estate				

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debtor(s)' current monthly income and disposable income.

information needed for the trustee to comply with the requirements of 11 U.S.C. § 1302 as to the notification to be given to Domestic Support Obligation creditors, and debtor(s)' attorney or debtor(s) (if pro se) shall provide the trustee with the calculations relied upon to determine the

8.3 The debtor(s) shall have a duty to inform the trustee of any assets acquired while the chapter 13 case is pending, such as insurance proceeds, recovery on any lawsuit or claims for personal injury or property damage, lottery winnings, or inheritances. The debtor(s) must obtain prior court

approval before entering into any postpetition financing or borrowing of any kind, and before selling any assets.

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- 8.4 Unless otherwise stated in this plan or permitted by a court order, all claims or debts provided for by the plan to receive a distribution shall be paid by and through the trustee.
- 8.5 Percentage fees to the trustee are paid on receipts of plan payments at the rate fixed by the United States Trustee. The trustee has the discretion to adjust, interpret, and implement the distribution schedule to carry out the plan, provided that, to the extent the trustee seeks a material modification of this plan or its contemplated distribution schedule, the trustee must seek and obtain prior authorization of the court. The trustee shall follow this standard plan form sequence unless otherwise ordered by the court:

Level One: Unpaid filing fees.

Level Two: Secured claims and lease payments entitled to 11 U.S.C. § 1326(a)(1)(C) pre-confirmation adequate protection payments.

Level Three: Monthly ongoing mortgage payments, ongoing vehicle and lease payments, installments on professional fees, and

postpetition utility claims.

Level Four: Priority Domestic Support Obligations.

Level Five: Mortgage arrears, secured taxes, rental arrears, vehicle payment arrears.

Level Six: All remaining secured, priority and specially classified claims, and miscellaneous secured arrears.

Level Seven: Allowed nonpriority unsecured claims.

Level Eight: Untimely filed nonpriority unsecured claims for which an objection has not been filed.

- 8.6 As a condition to the debtor(s)' eligibility to receive a discharge upon successful completion of the plan, debtor(s)' attorney or debtor(s) (if pro se) shall file Local Bankruptcy Form 24 (Debtor's Certification of Discharge Eligibility) with the court within forty-five (45) days after making the final plan payment.
- 8.7 The provisions for payment to secured, priority, and specially classified unsecured creditors in this plan shall constitute claims in accordance with Bankruptcy Rule 3004. Proofs of claim by the trustee will not be required. In the absence of a contrary timely filed proof of claim, the amounts stated in the plan for each claim are controlling. The clerk shall be entitled to rely on the accuracy of the information contained in this plan with regard to each claim. Unless otherwise ordered by the court, if a secured, priority, or specially classified creditor timely files its own claim, then the creditor's claim shall govern, provided the debtor(s) and debtor(s)' attorney have been given notice and an opportunity to object. The trustee is authorized, without prior notice, to pay claims exceeding the amount provided in the plan by not more than \$250.
- 8.8 Any creditor whose secured claim is not modified by this plan and subsequent order of court shall retain its lien.
- 8.9 Any creditor whose secured claim is modified or whose lien is reduced by the plan shall retain its lien until the underlying debt is discharged under 11 U.S.C. § 1328 or until it has been paid the full amount to which it is entitled under applicable nonbankruptcy law, whichever occurs earlier. Upon payment in accordance with these terms and entry of a discharge order, the modified lien will terminate and be released. The creditor shall promptly cause all mortgages, liens, and security interests encumbering the collateral to be satisfied, discharged, and released.
- 8.10 The provisions of Sections 8.8 and 8.9 will also apply to allowed secured, priority, and specially classified unsecured claims filed after the bar date. LATE-FILED CLAIMS NOT PROPERLY SERVED ON THE TRUSTEE AND THE DEBTOR(S)' ATTORNEY OR DEBTOR(S) (IF PRO SE) WILL NOT BE PAID. The responsibility for reviewing the claims and objecting where appropriate is placed upon the debtor(s).

Part 9 Nonstandard Plan Provisions

9.1 Check "None" or List Nonstandard Plan Provisions.

None. If "None" is checked, the rest of part 9 need not be completed or reproduced.

Under Bankruptcy Rule 3015(c), nonstandard provisions must be set forth below. A nonstandard provision is a provision not otherwise included in the Local Form or deviating from it. Nonstandard provisions set out elsewhere in this plan are ineffective.

The following plan provisions will be effective only if the applicable box in Part 1 is checked. Any provision set forth herein is subject to court approval after notice and a hearing upon the filling of an appropriate motion.

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Part 10:

Signatures

10.1 Signatures of Debtor(s) and Debtor(s)' Attorney.

If the debtor(s) do not have an attorney, the debtor(s) must sign below; otherwise the debtor(s)' signatures are optional. The attorney for the debtor(s), if any, must sign below.

By signing this plan the undersigned, as debtor(s)' attorney or the debtor(s) (if pro se), certify(ies) that I/we have reviewed any prior confirmed plan(s), order(s) confirming prior plan(s), proofs of claim filed with the court by creditors, and any orders of court affecting the amount(s) or treatment of any creditor claims, and except as modified herein, this proposed plan conforms to and is consistent with all such prior plans, orders, and claims. False certifications shall subject the signatories to sanctions under Bankruptcy Rule 9011.

By filing this document, debtor(s)' attorney or debtor(s) (if pro se), also certify(les) that the wording and order of the provisions in this chapter 13 plan are identical to those contained in the standard chapter 13 plan form adopted for use by the United States Bankruptcy Court for the Western District of Pennsylvania, other than any nonstandard provisions included in Part 9. It is further acknowledged that any deviation from the standard plan form shall not become operative unless it is specifically identified as a "nonstandard" term and is approved by the court in a separate order.

X/s/Matthew E. Zupancic	X	
Signature of Debtor 1	Signature of Debtor 2	
Executed on11/13/2018	Executed on	
MM/DD/YYYY	MM/DD/YYYY	
X/s/Kenneth Steidl	Date11/13/2018	
Signature of debtor(s)' attorney	MM/DD/YYYY	